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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/724,359	12/01/2003	Kouki Ozaki	OZAKI9	8081

1444 7590 11/03/2006

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EXAMINER

HALPERN, MARK

ART UNIT	PAPER NUMBER
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1731

DATE MAILED: 11/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/724,359

Applicant(s)

OZAKI ET AL.

Examiner

Mark Halpern

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1731

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2006.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
4a) Of the above claim(s) 1,2,7,9,11,14,16,18 and 20 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 3-6,8,10,12,13,15,17 and 19-21 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 8/31/06.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1) Acknowledgement is made of Amendment received 8/31/2006.

Claims 3, 5, 6, 10, 12, 13, are amended. Claims 1-2, 7, 9, 11, 14, 16, 18, 20, are withdrawn.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2) Claims 3-4, 8, 15, are rejected under 35 U.S.C. 102(b) as being anticipated by Endo (JP-2-235320) (translated copy).

Claims 3-4: Endo discloses a method of making an electrode for electrical double layer capacitor. In the multi-step process, active carbon fibers which have polyacrylic nitrile as raw material are pulverized, and into active carbon powder which passed through a mesh, propylene glycol as liquid lubricant is added and mixed, they are mixed in a mixing step by a spiral mixer; this reads on forming the claimed primary mixture. Next into this mixture is added PTPE water soluble dispersion; this reads on forming the claimed secondary mixing, and then the mixture is kneaded. By the kneading step a rubbery viscous or clayey mixture of fine powdery grains is obtained (pg. 10, lines 1-4). A roll rolls this viscous or clayey mixture, and thus producing a 1 mm thick sheet shaped

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preformed compact. The preformed compact is then rolled into a thinner sheet of 0.25 mm thickness (Endo, pg. 16, lines 6-23)(entire document and Figures).

Claim 8: the binder assistant range is disclosed.

Claim 15: temperature control is provided in all aspects of the process, see pgs. 14-21.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3) Claims 5-6, are rejected under 35 U.S.C. 103(a) as being unpatentable over Endo. It would have been obvious, to one skilled in the art at the time the invention was made, to delay the adding of the binder assistant in order to better control the formation of the massive forming material in the design of Endo.

4) Claims 10, 12-13, 17, 19, 21, are rejected under 35 U.S.C. 103(a) as being unpatentable over Endo in view of Tomohiro (JP 2000-277391)(English translation provided to the Applicants).

Claims 10, 12-13: Tomohiro discloses the process of making an electric double-layer capacitor wherein Tomohiro discloses the amounts of binder assistant be added to the process [0007] - [0014] and [0020] - [0021]. It would have been obvious to one skilled in the art at the time the invention was made to combine the teachings of Endo

and Tomohiro, because such a combination would provide for improved formation of the capacitor of the design of Endo.

Claim 17: temperature control is provided in all aspects of the process, see pgs. 14-21 of Endo and [0020 – [0021] of Tomohiro.

Claims 19, 21: it would have been obvious that the mixing be performed in a closed container to provide quality control of the mixing process.

Response to Amendment

- 5) Amended Specification is not accepted because it does not show the added material by underlining, or the removed material by crossing out.
- 6) Claims 3-6, 8, 10, 12, 13, 15, 17, 19, 21, rejection under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement, is withdrawn in view of amended claims.
- 7) Claims 3-6, 8, 10, 12, 13, 15, 17, 19, 21, rejection under 35 U.S.C. 112, second paragraph, is withdrawn in view of amended claims.
- 8) Claims 3-6, 8, 10, 12-13, 15, 17, 19, 21, provisional rejection under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-2 of copending Application No. 10/724,360, is withdrawn.
- 9) Applicants' arguments filed 8/31/2006 have been fully considered but they are not persuasive.

Applicants allege that the cited prior art, Endo, does not disclose a mixing step that is divided into two steps as in claimed invention.

A two step mixing is disclosed, as per item 2 above.

Applicants allege that Endo does not disclose temperature control of a portion of a kneader in the kneading step.

Temperature control is provided in all aspects of the process, see pgs. 14-21.

Conclusion

10) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Halpern whose telephone number is 571-272-1190. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 571-272-1189. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Mark Halpern
Primary Examiner
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